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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/622,863	07/18/2003	Horng-Huei Tseng		2915
23616	7590	03/21/2005		
LAW OFFICES OF CLEMENT CHENG 17220 NEWHOPE STREET #127 FOUNTAIN VALLEY, CA 92708			EXAMINER VINH, LAN	
			ART UNIT	PAPER NUMBER
			1765	

DATE MAILED: 03/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

10/622,863

Applicant(s)

TSENG, HORNG-HUEI

Examiner

Lan Vinh

Art Unit

1765

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. Claim 1 is objected to because of the following informalities: In line 6 of claim 1, "polysilicen" appears to be a typographical error, the examiner suggests replacing "polysilicen" with --polysilicon--. In line 8 of claim 1, "Said" appears to be a typographical error, the examiner suggests replacing "Said" with --said--. Appropriate correction is required.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1, 7 recite the limitation "said first polysilicen/said first polysilicon" in. There is insufficient antecedent basis for this limitation in the claim. Claims 2-6, 8-12 are indefinite because they depend on claims 1, 7

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1, 3-6 are rejected under 35 U.S.C. 102(e) as being anticipated by Hsieh (US 6,326,263)

Hsieh discloses a method for manufacturing a flash memory cell on a substrate, the method comprising the steps of:

forming a tunneling dielectric layer 54/oxide on the substrate 52 (col 3, lines 45-47)

forming a first conductive layer 56/polysilicon on the tunneling dielectric layer 54 (col 3, lines 53-54)

patterning the polysilicon layer 56, the tunneling dielectric 54 to form trenches in the substrate (col 3, lines 51-54; fig. 9)

depositing a gap-filling material 62 into said trenches over the substrate (col 4, lines 6-7; fig. 9)

removing a portion of said gap-filling material to form trench isolations pattern 64 and self-aligned portion of a floating gate adjacent to the trench isolations, etching a portion of said trench isolations to form slots between the etched conductive layer 56/first conductive layer (col 4, lines 8-15; fig. 10)

forming a polysilicon layer 66/second conductive layer over a surface of the slots and the etched first conductive layer 56 (col 4, lines 26-28; fig. 11)

etching the second conductive layer 66, thereby forming sidewall spacers 68 on the slot (col 4, lines 35-37; fig. 12)

forming a dielectric layer 72/second dielectric on the trench isolation, the sidewall spacers and the conductive layer 56 (col 4, lines 44-45; fig. 13)

forming a patterned conductive control gate layer 74/doped polysilicon on the second dielectric layer 72 (col 4, lines 46-47; fig. 13)

The limitations of claims 3, 6 have been discussed above

Regarding claims 4-5, Hsieh discloses forming a dielectric layer 72 of ONO dielectric (col 4, lines 44-45)

6. Claims 7-12 are rejected under 35 U.S.C. 102(e) as being anticipated by Hsieh (US 6,326,263)

Hsieh discloses a method for manufacturing a flash memory cell on a substrate, the method comprising the steps of:

forming a tunneling dielectric layer 54/oxide on the substrate 52 (col 3, lines 45-47)

forming a first conductive layer 56/polysilicon on the tunneling dielectric layer 54 (col 3, lines 53-54)

patterning the polysilicon layer 56, the tunneling dielectric 54 to form trenches in the substrate (col 3, lines 51-54; fig. 9)

depositing a gap-filling material 62 into said trenches over the substrate (col 4, lines 6-7; fig. 9)

removing a portion of said gap-filling material to form trench isolations pattern 64 and self-aligned portion of a floating gate adjacent to said trench isolations, etching a portion of said trench isolations to form slots between

the etched conductive layer 56/first conductive layer (col 4, lines 8-15; fig. 10)

forming a dielectric layer 72/second dielectric on the trench isolation, the
sidewall spacers and the conductive layer 56 (col 4, lines 44-45; fig. 13)

forming a patterned conductive control gate layer 74/doped polysilicon on the second
dielectric layer 72 (col 4, lines 46-47; fig. 13)

Regarding claim 8, Hsieh discloses the step of forming a polysilicon layer 66/third
conductive layer before forming dielectric layer 72 (col 4, lines 26-28; fig. 11), etching
the conductive layer 66/third conductive, thereby forming sidewall spacers 68 (col 4,
lines 35-37; fig. 12)

The limitations of claims 9, 12 have been discussed above

Regarding claims 10-11, Hsieh discloses forming a dielectric layer 72 of ONO
dielectric (col 4, lines 44-45)

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all
obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148
USPQ 459 (1966), that are applied for establishing a background for determining
obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.

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2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

8. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hsieh (US 6,326,263) in view of Lee et al (US 6,380,032)

Hsieh method has been described above. Unlike the instant claimed invention as per claim 2, Hsieh fails to disclose the step of forming a fourth conductive layer before forming the second conductive layer.

Lee discloses a method for forming a flash memory cell comprises the step of the step of forming a polysilicon conductive layer 260/fourth conductive layer before forming the second conductive layer 280 (col 7, lines 13-16; fig. 10A)

Since both Hsieh and Lee are directed to a method of forming a flash memory cell device having a control gate, one skilled in the art at the time the invention was made would have found it obvious to modify Hsieh method by adding the step of forming a fourth conductive layer before forming the second conductive layer to form a stacked gate pattern and common source line as taught by Lee (col 7, lines 25-31)

Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lan Vinh whose telephone number is 571 272 1471. The examiner can normally be reached on M-F 8:30-5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nadine Norton can be reached on 571 272 1465. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



LV
March 15, 2005